

CONFIDENTIAL

ADVISORY OPINION

April 18, 2023	
Re: Case No. 23036.A,	– Financial Interest in City Business
Dear :	
INTRODUCTION. You	for the City's [Department] . You contacted our office and
would prohibit a City employe ("Member") from receiving	City's Governmental Ethics Ordinance (the "Ethics Ordinance") e, who is an elected Member
Members.	

As explained below, the Board has analyzed this question. We have concluded that elected Members who are City employees may receive the stipend provided to Members.

Our determination is based on our conclusion that City Council's intent in the Enabling Ordinance was to allow this.

FACTS

In City Council passed a	an Ordinance ¹	
	Members ("Member(s)") were elected	in
¹ See		

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the City's [election]
In early April, you contacted Board staff and explained that a City employee,, was elected as a Member In [his/her] City position, works for [City department]
; thus he/she] is paid from City funds. You informed us that, as authorized by the Enabling Ordinance, Members receive a stipend of serving in this role. ³ You requested advice addressing whether since he/she] is a City employee.
LAW AND ANALYSIS
As a City employee, is not prohibited from running for election to or serving as a Member at the states that a candidate for requirements: is not prohibited from running for election to or serving as a election was open to nearly all City residents. The Membership shall satisfy requirements:
[Department], where [he/she] works, is not listed as a restricted department.
The question then is whether [he/she] may accept the stipend provided to Members, which would amount to stipend shall be factored into the annual budget and shall be paid on an to each Member. The budget is determined by City Council and as part of the annual City budget process. Therefore, [his/her] stipend would be paid from City funds.
The Governmental Ethics Ordinance ("Ethics Ordinance") limits the amount of money City employees can have in any contract, work or business of the City to no more than \$1,000 per year:
§2-156-010(l). "Financial interest" means an interest held by an official or employee that is valued or capable of valuation in monetary terms with a current value of more than
² See
³ See
⁴ See 65 ILCS 5/3.1-10-5
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\$1,000.00 in any consecutive twelve-month period, provided that such interest shall not include: (1) the authorized compensation paid to an official or employee for any office or employment...

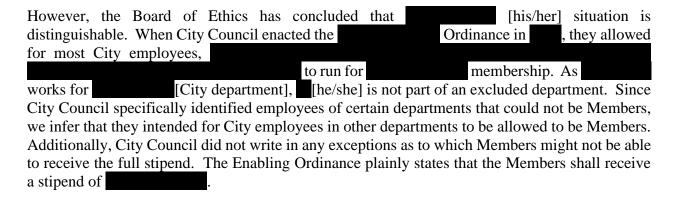
§2-156-010(f). "Compensation" means money, thing of value or other pecuniary benefit received or to be received in return for, or as reimbursement for, services rendered or to be rendered.

§2-156-110(a). Interest in city business.

Except with respect to the participation of Eligible Persons in Eligible Programs, no elected official or employee shall have a financial interest in his own name or in the name of any other person in any contract, work or business of the city, or in the sale of any article, whenever the expense, price or consideration of the contract, work, business or sale is paid with funds belonging to or administered by the city, or is authorized by ordinance; provided, however, for purposes of this subsection, any of the following shall not constitute a financial interest in any contract, work or business of the city:

- (i) compensation for property taken pursuant to the city's eminent domain power; and
- (ii) any interest of a relative which interest is related to or derived from the relative's independent occupation, business or profession.

Historically, City employees have been advised by the Board that they cannot have a second job with the City while employed by the City. In 88129.A,⁷ the Board determined that a City employee, a photographer, was prohibited from taking on photography jobs with other City departments unless the photographer's compensation from those jobs totaled less than the threshold for a financial interest in a City contract or City business. In 17044.C⁸ the Board determined that an executive branch employee violated the Ethics Ordinance by having several independent services contracts with an aldermanic office, paid with City funds, that were worth more than \$1,000 in a calendar year. The Board reasoned in these cases that the employees had a financial interest in City work.



⁷ 88129.A.pdf (chicago.gov)

^{8 17044.}C.pdf (chicago.gov)

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Chair

cc:

DETERMINATION. For the reasons explained above, the Board has determined that may accept the stipend provided to members pursuant to the Enabling Ordinance.
<u>RELIANCE.</u> This opinion may be relied upon by any person involved in the specific transaction or activity with respect to which this opinion is rendered.
RECONSIDERATION. This advisory opinion is based on the facts set out in it. If there are additional material facts and circumstances not available to the Board when it considered this case, you may request reconsideration of this opinion. As provided in our Rules and Regulations available on our website, a request for reconsideration must: (i) be in writing; (ii) explain the material facts and circumstances that are the basis for the request; and (iii) be received by the Board within fourteen (14) days of the date of this opinion.
Sincerely,
William F. Conlon